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GREENBERG TRAURIG, LLP MET LIFE BUILDING 200 PARK AVENUE NEW YORK, NY 10166			EXAMINER ROSWELL, MICHAEL	
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/015,816
Filing Date: November 01, 2001
Appellant(s): SHAFRON ET AL.

MAILED

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Technology Center 2100

James J. DeCarlo
Reg. No. 36,120
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 10 August 2007 appealing from the Office action
mailed 8 November 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

2002/0077978 A1	O'Leary et al.	6-2002
2002/0062342 A1	Sidles	5-2002
5,808,894	Wiens et al.	9-1998

Microsoft Corporation. "Band Objects", Copyright 1997.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-14, 16-21, 23, 24, 59, and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0077978 A1 (O'Leary et al) and further in view of U.S. Patent Application Publication No. 2002/00623342 A1 (Sidles), and Wiens et al (US Patent 5,808,894), hereinafter Wiens.

Referring to claims 1 and 18, O'Leary discloses in paragraphs 18-33 a method and system for facilitating on-line shopping at a supported merchant web site, the shopper having a computer with an Internet browser installed thereon. O'Leary further discloses in paragraphs 138 and 139 the step of communicating code to add a shopping assistant button to a toolbar of the Internet browser. O'Leary next discloses in paragraph 52 that a wallet is created for the shopper in a database on a server. In paragraph 80, O'Leary explains that the wallet is secured by a first security key (password) previously received from the shopper. O'Leary further explains in this section that each time the user attempts to access the wallet, he or she must enter a user ID and password (second security key) to properly authenticate the user. Upon authentication, O'Leary discloses in paragraphs 80 and 81 that the wallet is communicated to the user's computer. O'Leary, however, fails to explicitly teach communicating computer code for determining if a merchant web site is a supported merchant web site. Sidles discloses in paragraphs 55-58 a method and system for automatically filling out a checkout web page of a

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supported merchant. In paragraphs 61-64, Sidles teaches a supported merchant rules and mapping file that is used to perform said filling out. Paragraph 79 discloses associating a verified secure web address with a known form, and automatically filling in the form based on pre-set rules. Sidles explains in paragraph 17 that his invention is advantageous because it "enables users to fill in data forms quickly and efficiently", "eliminates the necessity of manually establishing a directory of merchant forms", and "can fill forms from both known sites and completely new sites." Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use Sidles' supported merchant rules and mapping file in combination with the invention of O'Leary for at least the advantages identified by Sidles.

O'Leary and Sidles both fail to explicitly teach communicating determination code to the user's computer for determining if a merchant web site is a supported web site. Wiens teaches a method for automated ordering by a customer at a remote location to a vendor, similar to that of O'Leary and Sidles. Furthermore, Wiens teaches communicating computer code to a user's computer from the remote vendor, the code containing pertinent vendor information, at col. 7, lines 28-47. Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of O'Leary, Sidles, and Wiens before him at the time the invention was made to modify the facilitated on-line shopping system of O'Leary and Sidles to include communicating the determination code of Sidles to the user via the communication system of Wiens. One would have been motivated to make such a combination for the advantage of a user being able to access pertinent information regarding a vendor of interest without being communicatively connected to the vendor, at col. 6, line 66 through col. 7, line 12.

Referring to claims 2 and 20, O'Leary discloses in paragraph 53 that the wallet "performs all of the conventional (e.g., form filling) functions of a traditional wallet". O'Leary further

explains in paragraphs 55 and 56 that the wallet stores "Form filling information such as credit card numbers, debit card numbers, shipping addresses, alternate shipping addresses, frequent flyer accounts, membership discounts (e.g., AAA, AARP), loyalty programs and e-mail addresses", and using this information the wallet "automatically fills in electronic merchant purchase forms with the user's shipping address, e-mail address, discount numbers, etc."

O'Leary, though, fails to specifically disclose utilizing a supported merchant rules and mapping file. Sidles, however, discloses in paragraphs 55-58 a method and system for automatically filling out a check-out web page of a supported merchant and further discloses in paragraphs 61-64 a supported merchant rules and mapping file that is used to perform said filling out. Sidles explains in paragraph 17 that his invention is advantageous because it "enables users to fill in data forms quickly and efficiently", "eliminates the necessity of manually establishing a directory of merchant forms", and "can fill forms from both known sites and completely new sites." Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use Sidles' supported merchant rules and mapping file in combination with the invention of O'Leary for at least the advantages identified by Sidles.

Referring to claim 3, O'Leary discloses in paragraph 55 that the shopping assistant comprises a pull-down menu. While O'Leary fails to explicitly teach the shopping assistant button comprising a pull-down menu, the combination of a toolbar button and a pull-down menu is notoriously well-known in the art, and often found in a wide range of applications, from word processors to e-mail clients to web browsers. The Examiner takes OFFICIAL NOTICE of these teachings. Therefore, it would have been obvious to one of ordinary skill in the art to combine the downloaded button of O'Leary to include the pull-down menus taught by O'Leary, for the advantage of a compact interface and ease of use.

Referring to claim 4, O'Leary discloses in paragraph 139 that a web page is communicated to the Internet browser, the shopper enters shopper data on the web page, and the shopper data is stored as a wallet in the database on the server:

Referring to claim 5, O'Leary fails to disclose monitoring the Internet navigation of the Internet browser by intercepting an Internet address for each Internet site to which the Internet browser is caused to navigate. Sidles, however, discloses in paragraphs 53 and 54 a method for intercepting the address to which an Internet browser is caused to navigate. Sidles does this while providing automatic fill in capabilities. According to paragraph 17, Sidles invention advantageously "preserves the privacy of the individual user by keeping personal information, credit card information, and the like safe and under the control of the user or the user's trusted service provider." Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to intercept the address to which an Internet browser is caused to navigate as taught by Sidles in combination with the teachings of O'Leary for at least the advantages identified by Sidles.

Referring to claim 6, O'Leary fails to specifically disclose utilizing a supported merchant rules and mapping file. Sidles, however, discloses in paragraphs 55-58 a method and system for automatically filling out a check-out web page of a supported merchant and further discloses in paragraphs 61-64 a supported merchant rules and mapping file that is used to perform said filling out. Sidles explains in paragraph 17 that his invention is advantageous because it "enables users to fill in data forms quickly and efficiently", "eliminates the necessity of manually establishing a directory of merchant forms", and "can fill forms from both known sites and

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completely new sites." Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use Sidles' supported merchant rules and mapping file in combination with the invention of O'Leary for at least the advantages identified by Sidles.

Referring to claim 7, Sidles teaches communicating a supported merchant data file at paragraph 79, in the form of a dictionary database used to associate rules and forms with web addresses.

Referring to claim 8, Sidles discloses in paragraph 64 comparing the supported merchant data file with an Internet address for each Internet site to which the Internet browser is caused to navigate.

Referring to claim 9, O'Leary discloses in paragraph 52 that the user can launch the wallet interface by selecting a wallet icon at the merchant's web site. The wallet icon thus indicates that the merchant is supported.

Referring to claim 10, O'Leary fails to disclose intercepting each web page received by the browser and determining the type of web page by HTML code and http request headers provided in the intercepted web page. As discussed above, to the examiner's knowledge web pages do not comprise http request headers and the specification has not provided any teachings to the contrary. It is certainly plausible, though, that the type of a web page could be determined by the HTML code provided in the intercepted web page. Sidles discloses in paragraphs 55-58 a method for intercepting a web page and determining its type based on HTML code. This is an inherent step in automatic form filling. Sidles' system must at the very

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least determine whether or not the intercepted web page comprises fields for profile data or non-profile data as detailed in paragraph 58. It thus would have been obvious to one of ordinary skill in the art at the time the invention was made to intercept a web page and determine its type based on HTML code as taught by Sidles in combination with the teachings of O'Leary because doing so advantageously allows a form filling system to properly identify the appropriate data fields and fill them accordingly.

Referring to claim 11, O'Leary fails to disclose communicating a secure cookie to the computer. Sidles, however, discloses in paragraphs 95-99 a method for communicating secure cookies to a user's computer so that the user need not provide a user name and password each time a form on a secure page is to be automatically filled. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to communicate a secure cookie to the user's computer as taught by Sidles in combination with the teachings of O'Leary so that the user need not provide a user name and password each time a form on a secure page is to be automatically filled as taught by Sidles.

Referring to claim 19, O'Leary discloses in paragraph 54 that the user's login to the server is secure and encrypted to protect the confidentiality of financial information.

Referring to claim 59, Sidles teaches a merchant data file comprising supported merchant rules and mapping information, at paragraphs 61-64.

Referring to claim 60, O'Leary discloses in paragraphs 18-33 a method and system for facilitating on-line shopping at a supported merchant web site, the shopper having a computer

with an Internet browser installed thereon. O'Leary further discloses in paragraphs 138 and 139 the step of communicating code to add a shopping assistant button to a toolbar of the Internet browser. O'Leary next discloses in paragraph 52 that a wallet is created for the shopper in a database on a server. In paragraph 80, O'Leary explains that the wallet is secured by a first security key (password) previously received from the shopper. O'Leary further explains in this section that each time the user attempts to access the wallet, he or she must enter a user ID and password (second security key) to properly authenticate the user. Upon authentication, O'Leary discloses in paragraphs 80 and 81 that the wallet is communicated to the user's computer. O'Leary, however, fails to explicitly teach communicating computer code for determining if a merchant web site is a supported merchant web site. Sidles discloses in paragraphs 55-58 a method and system for automatically filling out a checkout web page of a supported merchant. In paragraphs 61-64, Sidles teaches a supported merchant rules and mapping file that is used to perform said filling out. Paragraph 79 discloses associating a verified secure web address with a known form, and automatically filling in the form based on pre-set rules. Sidles explains in paragraph 17 that his invention is advantageous because it "enables users to fill in data forms quickly and efficiently", "eliminates the necessity of manually establishing a directory of merchant forms", and "can fill forms from both known sites and completely new sites." Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use Sidles' supported merchant rules and mapping file in combination with the invention of O'Leary for at least the advantages identified by Sidles. O'Leary discloses in paragraph 52 that the user can launch the wallet interface by selecting a wallet icon at the merchant's web site. The wallet icon thus indicates that the merchant is supported.

O'Leary and Sidles both fail to explicitly teach communicating determination code to the user's computer for determining if a merchant web site is a supported web site. Wiens teaches a method for automated ordering by a customer at a remote location to a vendor, similar to that of O'Leary and Sidles. Furthermore, Wiens teaches communicating computer code to a user's computer from the remote vendor, the code containing pertinent vendor information, at col. 7, lines 28-47. Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of O'Leary, Sidles, and Wiens before him at the time the invention was made to modify the facilitated on-line shopping system of O'Leary and Sidles to include communicating the determination code of Sidles to the user via the communication system of Wiens. One would have been motivated to make such a combination for the advantage of a user being able to access pertinent information regarding a vendor of interest without being communicatively connected to the vendor, at col. 6, line 66 through col. 7, line 12.

Referring to claims 12 and 21, O'Leary discloses in paragraphs 138 and 139 an Internet browser interface displayable by an Internet browser on a computer display comprising a toolbar and a shopping assistant button in said toolbar and defined by computer code operable with a processor of the computer. O'Leary further teaches that the "wallet" for assisting the user in shopping may be downloaded at a content web site and have a button integrated into the browser, at paragraph 52. O'Leary discloses in paragraph 53 that the wallet (shopping assistant) "performs all of the conventional (e.g., form filling) functions of a traditional wallet". O'Leary further explains in paragraphs 55 and 56 that the wallet stores "Form filling information such as credit card numbers, debit card numbers, shipping addresses, alternate shipping addresses, frequent flyer accounts, membership discounts (e.g., AAA, AARP), loyalty programs and e-mail addresses", and using this information the wallet "automatically fills in electronic

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merchant purchase forms with the user's shipping address, e-mail address, discount numbers, etc.". O'Leary, though, fails to specifically disclose intercepting an Internet address for each Internet site to which the Internet browser is caused to navigate, determining if a web site to which the Internet browser is caused to navigate is a supported merchant web site, and if the web site is a supported merchant web site, performing the automatic filling using a supported merchant rules and mapping file. Sidles, however, discloses in paragraphs 53 and 54 a method for intercepting the address to which an Internet browser is caused to navigate. Sidles does this while providing automatic fill in capabilities. Sidles further discloses in paragraph 64 the step of determining if a web site is a supported merchant web site. Finally, Sidles discloses in paragraphs 55-58 and 61-64 a method and system for automatically filling out a checkout web page of a supported merchant using a supported merchant rules and mapping file. According to paragraph 17, Sidles invention advantageously "preserves the privacy of the individual user by keeping personal information, credit card information, and the like safe and under the control of the user or the user's trusted service provider." Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to intercept the address to which an Internet browser is caused to navigate as taught by Sidles in combination with the teachings of O'Leary for at least the advantages identified by Sidles.

O'Leary and Sidles fail to teach the determination of a supported merchant web site being done at the user's computer. Wiens teaches a method for automated ordering by a customer at a remote location to a vendor, similar to that of O'Leary and Sidles. Furthermore, Wiens teaches communicating computer code to a user's computer from the remote vendor, the code containing pertinent vendor information, at col. 7, lines 28-47. Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of O'Leary, Sidles, and Wiens before him at the time the invention was made to modify the facilitated on-line shopping

system of O'Leary and Sidles to include communicating the determination code of Sidles to the user via the communication system of Wiens. One would have been motivated to make such a combination for the advantage of a user being able to access pertinent information regarding a vendor of interest without being communicatively connected to the vendor, at col. 6, line 66 through col. 7, line 12.

Referring to claims 13 and 24, Sidles discloses in paragraph 64 comparing the supported merchant data file with an Internet address for each Internet site to which the Internet browser is caused to navigate.

Referring to claim 14, O'Leary discloses in paragraph 55 that the shopping assistant comprises a pull-down menu.

Referring to claims 16 and 23, O'Leary discloses in paragraph 52 that the user can launch the wallet interface by selecting a wallet icon at the merchant's web site. The wallet icon thus indicates that the merchant is supported.

Referring to claim 17, O'Leary fails to disclose intercepting each web page received by the browser and determining the type of web page by HTML code and http request headers provided in the intercepted web page. As discussed above, to the examiner's knowledge web pages do not comprise http request headers and the specification has not provided any teachings to the contrary. It is certainly plausible, though, that the type of a web page could be determined by the HTML code provided in the intercepted web page. Sidles discloses in paragraphs 55-58 a method for intercepting a web page and determining its type based on

HTML code. This is an inherent step in automatic form filling. Sidles' system must at the very least determine whether or not the intercepted web page comprises fields for profile data or non-profile data as detailed in paragraph 58. It thus would have been obvious to one of ordinary skill in the art at the time the invention was made to intercept a web page and determine its type based on HTML code as taught by Sidles in combination with the teachings of O'Leary because doing so advantageously allows a form filling system to properly identify the appropriate data fields and fill them accordingly.

Claims 15 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Leary, Sidles, and Wiens, as applied to claims 12 and 21 above, and further in view of "Band Objects" (Microsoft).

Referring to claims 15 and 22, O'Leary discloses adding a shopping assistant to a toolbar in an Internet browser interface as discussed above, but neither O'Leary nor Sidles discloses adding a toolbar to the Internet browser interface. The "Band Objects" reference supplied on sheet 7 of Applicant's IDS filed 20 February 2004 discloses means for adding toolbars to an Internet browser interface. Microsoft explains in this reference that Explorer Bands contain information or supply tools that are helpful to the user while using the browser. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add a new toolbar as taught by Microsoft in combination with the shopping assistant teachings of O'Leary and Sidles. Doing so would have been advantageous because it would have guaranteed a place in the browser interface for the shopping assistant if one had not already existed.

(10) Response to Argument

At page 8, item d. of the remarks, Appellant argues that a "supported merchant web site" is "a web site where shopping assistant functionality may be available when the site is visited by a shopper", and cites the specification at page 51, lines 11-21 for support. However, the examiner contends that the cited portion of the specification contains no such definition for a "supported merchant web site". Thus, the examiner interprets the term "supported merchant web site" in the broadest reasonable manner.

In response to Appellant's argument of pages 9-10 of the Brief, that Sidles fails to teach "determination code" to determine if a merchant web site is a supported merchant web site, the examiner respectfully disagrees. As stated in ¶0055 of Sidles, a step of "verifying the authenticity of the vendor's web site" exists for the purpose of determining if a merchant web site is a supported merchant web site. Further at ¶0020, Sidles states that "only the forms of vendors whose identity has been validated are filled out and submitted in this automated fashion". Thus, the examiner believes that the cited portions of Sidles (i.e. the verifying and validating steps) are sufficient to teach "determination code" as claimed.

Appellant argues at pages 10-11 of the remarks that the Wiens reference does not teach downloading software code "used for determining whether a website is a supported merchant website". However, the examiner notes that the Sidles reference, not Wiens, is relied upon for explicitly teaching the determination code necessary for such website determination. Furthermore, the examiner contends that similar determination computer code is taught by Wiens, as the code downloaded by the user in col. 7, lines 28-47 ensures that the central computer connected to by the user is indeed supported. The examiner further contends that while Wiens teaches the offline completion of an order, the fact that the order is transferred through client/server communication makes such a transaction an online transaction. A

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combination of Wiens, O'Leary and Sidles would modify the vendor websites of O'Leary, Sidles and Wiens to include the determination code or authentication code of Sidles and Wiens to ensure that the client always has the "pertinent vendor information", and thus that the vendor is indeed a supported one, and therefore that a vendor website is a supported website.

Appellant's arguments numbered 3-5 of pages 12-15 center around the purported failure of the O'Leary, Sidles and Wiens references to teach "code to determine if a web site is a supported merchant web site" and communicating said code. As the examiner has shown this purported failure to be indeed false above, the arguments of pages 12-15 are deemed responded to.

Item 6 of page 15 alleges that the combination of Wiens with O'Leary and Sidles is improper, based on the argument that Wiens teaches "off-line" ordering, while O'Leary and Sidles are concerned with "on-line" sessions. However, the examiner contends, as stated above, that the fact that the orders of Wiens are transferred through client/server communication makes such transactions "online". The examiner contends that a user of the system of Wiens would want to include the determination code of Sidles, as the merchant website would thus be verified and/or authenticated and enable more secure communication.

Appellant's arguments numbered 2-4 of pages 16-18 center around the purported failure of the O'Leary, Sidles and Wiens references to teach "code to determine if a web site is a supported merchant web site" and communicating said code, as well as an alleged improper combination of the O'Leary, Sidles and Wiens references, as argued in item 6 of page 15 above. As the examiner has shown this purported failure to be indeed false above, the arguments of pages 16-18 are deemed responded to. Similarly, items 2 and 3 of pages 18-19 are deemed responded to.

As to item 4 of page 19, that the wallet functionality of the O'Leary reference "is not derived from the merchant web site" and as such "the appearance of a wallet icon does not indicate whether the merchant web site is a supported web site", the examiner respectfully disagrees. At ¶0052 of O'Leary, it is disclosed that "the consumer may access the Wallet...[by] selecting a wallet icon at the merchant's web site". Clearly, the O'Leary reference here derives the wallet functionality from a merchant web site, and as such it may be inferred that any web site fit to include the wallet icon is a supported merchant web site.

With respect to items 1-3 of pages 20-21, Appellant's arguments center around the purported failure of the O'Leary, Sidles and Wiens references to teach "code to determine if a web site is a supported merchant web site" and communicating said code. As the examiner has shown this purported failure to be indeed false above, the arguments of pages 20-21 are deemed responded to.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

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For the above reasons, it is believed that the rejections should be sustained.

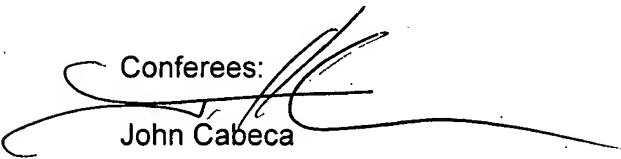
Respectfully submitted,



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